



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,428	04/19/2001	Donald A. Smalley	1330.1013-C2	8921

21171 7590 02/09/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

GYORFI, THOMAS A

ART UNIT	PAPER NUMBER
----------	--------------

2135

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/837,428

Applicant(s)

SMALLEY ET AL.

Examiner

Tom Gyorfi

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004 and 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9-15,33-38 and 43-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9-15,33-38 and 43-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-2, 4-7, 9-15, 33-38, and 43-89 were pending. The correspondence filed 5/3/04 added claim 90, but neither amended nor cancelled any claims. The correspondence on 8/3/04 made no changes to the claims. Claims 1-2, 4-7, 9-15, 33-38, and 43-90 remain for examination.

Terminal Disclaimer

2. The terminal disclaimer filed on 5/3/04 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent 6,256,640 has been reviewed and is accepted. The terminal disclaimer has been recorded.

It must be noted that in a previous Office Action, claim 60 had been rejected under 35 USC 101 as a statutory double patenting rejection in view of claim 4 of U.S. Patent 6,256,640. Upon further consideration, Examiner has decided that claim 4 of the previously issued patent contains a limitation not found in the instant application (i.e. "joint usage database for multiple regulatory programs"), and therefore does not constitute "identical subject matter" as defined by MPEP 804(II)(A). Therefore, the statutory double patenting rejection of claim 60 is withdrawn. Although an obviousness-type double-patenting rejection of claim 60 could be raised, it would be moot in view of the aforementioned terminal disclaimer.

Response to Arguments

3. Applicant's arguments filed 5/3/04 have been fully considered but they are not persuasive.

Applicant argues against the rejection of claims 1-2, 4-7, 9-15, and 43-89 based on 35 USC 102(e) in view of U.S. Patent **5,664,112**. These arguments are deemed moot, as in the previous Office Action claims 1-2, 4-7, 9-15, and 43-89 had been rejected under 35 USC 102(b) [see below] in view of U.S. Patent **5,726,884**.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the security clearance authorizing accesses to the system including users of other regulated interests) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Even were this claim amended to make such a limitation explicit, it is still taught by '884 that users representing multiple agencies have cause to use the disclosed invention (col. 24, line 55 – col. 25, line 10).

Applicant further argues, "*The Applicants respectfully assert that a prima facie case of obviousness has not been met by the Examiner because the cited references do not teach or suggest a database structure system for managing 'multiple entities' to provide a centralized information management system which allows a display of 'data stored in (the) joint-usage database to all regulating entity personnel'.*" Examiner disagrees with this contention, noting that the invention disclosed in the '884 patent is capable of managing two or more regulated entities (col. 32, lines 45-50) to provide a centralized information management system which allows

a display of data stored in the joint-usage database to all regulating entity personnel (col. 13, lines 25-50; col. 14, lines 15-45).

4. Applicant's arguments filed 8/3/04 have been fully considered but they are not persuasive. Applicant argues, *"Thus, unlike the '884 system that is limited to managing a single facility, the system of the present invention provides a mechanism to respectively manage a plurality of regulated entities based on subject items corresponding to each regulated entity."* Examiner disagrees with this contention, noting that the invention disclosed in the '884 patent is capable of managing two or more regulated entities (col. 32, lines 45-50) over a plurality of subject items corresponding to each regulated entity (col. 33, lines 12-17; col. 9, line 40 – col. 11, line 25). Applicant further argues, *"Thus, the '884 method does not teach or suggest providing an integrated system for managing 'regulatory information on a plurality of subject items for a plurality of regulated entities' because the '884 method is directed decentralized management of individual entities based on in-house operational information."* Examiner disagrees, again noting the embodiment of the invention where multiple facilities can be controlled by the disclosed method (col. 32, lines 45-50).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. In a previous Office Action, claims 1-2, 4-7, 9-15, and 43-89 were cited as rejected under 35 USC 102(b); however, paragraph (e) of 35 USC 102 was erroneously quoted in the preamble to the rejections. Wherein the effective filing date of the instant application is 4/19/2001, and wherein the patent date of the '884 patent is 3/10/1998, it is appropriate to cite paragraph (b) as the basis for the rejections of the aforementioned claims under 35 USC 102. Examiner apologizes for any misunderstanding that this typographical error may have caused.

9. Claims 1-2, 4-7, 9-15, and 43-90 are rejected under 35 U.S.C. 102(b) as being anticipated by Sturgeon et al. (U.S. Patent 5,726,884).

Referring to Claim 1:

Sturgeon discloses a database structure, embodied on at least one computer accessible medium, for managing information on regulated entities by a regulating entity, said database structure comprising:

a primary data level identifying multiple regulated entities, optionally associable with a geographic location (col. 12, lines 5-60; col. 33, lines 15-20); and

a secondary data level identifying subject items of the regulated entities identified at said primary level, where the subject items include objects and activities subject to regulatory requirements comprising multiple media (col. 12, lines 15-30; col. 13, lines 55-63).

Referring to Claim 2:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses said database structure further comprises at least one lower data level, below said secondary data level, to store detail information on imposition of regulatory requirements on the subject items via issuance of permits, monitoring operation of the subject items of the regulated entities to verify compliance with the regulatory requirements and issuance of enforcement orders to compel compliance with the regulated entities (col. 13, lines 23-50).

Referring to Claim 4:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses wherein the information in said primary data level identifies the regulated entities as one of a fixed operation having a single geographic location associated therewith; an occurrence having a single geographic location associated therewith; a mobile operation that changes geographic location periodically; and an organization responsible for transport of potentially hazardous materials, either in vehicles or conduits, across a geographic area (col. 12, lines 19-30; col. 13, lines 14-35).

Referring to Claim 5:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses said database structure defines locations to store data related to work activity schedules, assignments and progress to date in a joint-usage database (col. 14, lines 18-40).

Referring to Claim 6:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses wherein the information managed by using said database structure is accessed by a regulatory agency, and defines permits for operations of the regulated entities, criteria for determining compliance with the permits and actions taken to enforce the permits, for all program areas over which the regulatory agency has jurisdiction (col. 9, lines 25-35; col. 10, lines 1-10; col. 13, lines 35-50; col. 16, lines 60-65; col. 17, lines 35-50).

Referring to Claim 7:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses, wherein said secondary level comprises a record, and each record contains one of a single subject item and a list of subject item identifiers for related subject items (col. 12, lines 20-35).

Referring to Claim 9:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses wherein the information managed by using said database structure is accessed by a regulatory agency, and wherein said database structure defines for at least some of the subject items a set of characteristics that determine the regulatory requirements typically applicable thereto under all multiple media areas for which the regulatory agency is responsible (col. 9, lines 25-35; col. 10, lines 1-10; col. 13, lines 35-50; col. 16, lines 60-65; col. 17, lines 35-50).

Referring to Claim 10:

Sturgeon discloses the limitations as disclosed in Claim 9 above. Sturgeon further discloses wherein said database structure further comprises a requirements library specifying the regulatory requirements typically applicable to the subject items having a given set of characteristics, providing inspection checklist language corresponding to the requirements in fewer words, providing default descriptions of noncompliance for use when requirements are violated, and providing default corrective action requirements for use in enforcement orders addressing violations of requirements (col. 9, lines 25-35; col. 15, lines 40-60; col. 17, lines 20-50).

Referring to Claim 11:

Sturgeon discloses the limitations as disclosed in Claim 9 above. Sturgeon further discloses wherein said database structure defines locations to store data in a

joint-usage database describing violations of the regulatory requirements applicable to at least one regulated subject item (col. 16, lines 15-30).

Referring to Claim 12:

Sturgeon discloses the limitations as disclosed in Claim 11 above. Sturgeon further discloses wherein said database structure defines locations to store data in the joint-usage database describing enforcement orders for the at least one regulated subject item (col. 17, lines 45-50).

Referring to Claim 13:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses a master regulatory profile of identification and descriptive data associated with each regulated entity identified at said primary level, not in data records associated only with permits (col. 12, lines 50-60; col. 33, lines 15-25).

Referring to Claim 14:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses wherein said database structure defines locations to store data in a joint-usage database describing field inspections and results of the field inspections (col. 16, lines 15-30).

Referring to Claim 15:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses wherein the information managed by using said database structure is accessed by an environmental regulatory agency, and wherein said database structure defines locations to store data describing pollutant releases in a joint-usage database (col. 9, lines 25-35; col. 13, lines 64-67).

Referring to Claim 43:

Sturgeon discloses a method of managing information on regulated entities by a regulating entity, comprising: creating a joint-usage database for multiple media of the regulating entity and having a primary data level identifying the multiple regulated entities, optionally associable with a geographic location (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23), and a secondary data level identifying subject items of the regulated entities comprising the multiple media; and performing, by the regulating entity, regulatory functions using the primary and secondary data levels of the joint usage database (col. 13, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30).

Referring to Claim 44:

Sturgeon discloses a method of managing information on multiple regulated entities by a regulating entity, comprising: creating a joint-usage database for multiple media and having a primary data level identifying the regulated entities, optionally associable with a

Art Unit: 2135

geographic location (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23), and a secondary data level identifying subject items of the regulated entities; and generating, by the regulating entity, a permit from the joint-usage database (col. 13, lines 25-50; col. 17, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30).

Referring to Claim 45:

Sturgeon discloses the limitations as disclosed in Claim 44 above. Sturgeon further discloses, wherein the permit comprises different information stored in discrete fields (Fig. 33; col. 13, lines 55-65).

Referring to Claim 46:

Sturgeon discloses a method of managing information on multiple regulated entities by a regulating entity, comprising: creating a joint-usage database for multiple media and having a primary data level identifying the regulated entities, optionally associable with a geographic location (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23), and a secondary data level identifying subject items of the regulated entities (col. 13, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30); and generating, by the regulating entity, a regulatory inspection checklist from the joint-usage database (col. 9, lines 25-35; col. 15, lines 40-60; col. 17, lines 20-50).

Referring to Claim 47:

Sturgeon discloses a method of managing information on regulated entities by a regulating entity, comprising: maintaining a joint-usage database for multiple media and having a primary data level identifying the regulated entities (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23), a secondary data level, identifying subject items of the regulated entities and typical permit requirements for each of the subject items, the permit requirements for all subject items including permit requirements in a plurality of multiple media areas (col. 13, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30); and displaying, by the regulating entity, the typical permit requirements for all of the subject items of a selected regulated entity (col. 17, lines 25-45; col. 29, line 45-col. 30, line 35).

Referring to Claim 48:

Sturgeon discloses the limitations as discussed in Claim 47 above. Sturgeon further discloses selecting permit data from among the typical permit requirements in response to user input (col. 17, lines 5-30; col. 30, lines 25-40).

Referring to Claim 49:

Sturgeon discloses a method of managing information on regulated entities by a regulating entity, comprising: maintaining a joint-usage database for multiple media and having a primary data level identifying the regulated entities (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23), a secondary data level identifying subject

items of the regulated entities and regulating entity inspector checklist language for typical permit requirements for each of the subject items (col. 13, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30), the inspection checklist language for all subject items including inspector checklist language for the typical permit requirements in a plurality of program areas (col. 15, lines 40-60); and displaying, by the regulating entity, the inspector checklist language for all of the subject items of a selected regulated entity (col. 17, lines 25-45; col. 29, line 45-col. 30, line 35).

Referring to Claim 50:

Sturgeon discloses the limitations as discussed in Claim 49 above. Sturgeon further discloses selecting from among the checklist language in response to user input (col. 17, lines 25-45; col. 29, line 45-col. 30, line 35).

Referring to Claim 51.

Sturgeon discloses a method of managing information on regulated entities by a regulating entity, comprising: creating a joint-usage database for multiple media of the regulating entity and having a primary data level identifying the multiple regulated entities (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23) and a secondary data level identifying subject items of the regulated entities comprising the multiple media (col. 13, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30); and performing, by the regulating entity, regulatory functions using the primary and

secondary data levels of the joint usage database (col. 13, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30).

Referring to Claim 52:

Sturgeon discloses a method of managing information on multiple regulated entities by a regulating entity, comprising creating a joint-usage database having a primary data level identifying the regulated entities (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23), and a secondary data level identifying activities of the regulated entities (col. 13, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30); and generating, by the regulating entity, an authorization from the joint-usage database (col. 17, lines 35-50).

Referring to Claim 53:

Sturgeon discloses the limitations as discussed in Claim 52 above. Sturgeon further discloses the authorization comprises a license (col. 32, lines 45-50; col. 33, lines 10-20; col. 11, lines 15-25).

Referring to Claim 54:

Sturgeon discloses the limitations as discussed in Claim 52 above. Sturgeon further discloses the authorization comprises an approval (col. 14, lines 5-15).

Referring to Claim 55:

Sturgeon discloses the limitations as discussed in Claim 52 above. Sturgeon further discloses an approval letter (col. 30, lines 25-40).

Referring to Claim 56:

Sturgeon discloses a method of managing information on multiple regulated entities by a regulating entity, comprising: creating a joint-usage database having a primary data level identifying the regulated entities location (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23), and a secondary data level identifying activities of the regulated entities (col. 13, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30); and generating, by the regulating entity, authorization to exercise power from the joint-usage database (col. 29, line 60-col. 30, line 15).

Referring to Claim 57:

Sturgeon discloses a method of managing information on multiple regulated entities by a regulating entity, comprising: creating a joint-usage database for areas of regulation of the regulating entity having a primary data level identifying the regulated entities (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23), and a secondary data level identifying activities of the regulated entities (col. 13, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30); and generating, by the regulating entity, authorization to exercise power from the joint-usage database (col. 29, line 60-col. 30, line 15).

Referring to Claim 58:

Sturgeon discloses a method of managing information on multiple regulated entities by a regulating entity, comprising: creating a joint-usage database having a primary data level identifying the regulated entities (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23), and a secondary data level identifying activities of the regulated entities (col. 13, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30); and generating, by the regulating entity, an enforcement action from the joint-usage database (col. 17, lines 35-50).

Referring to Claim 59:

Sturgeon discloses a method for regulation of regulated entities, comprising: maintaining information on the regulated entities (col. 12, lines 15-25), including a joint-usage database with the regulated entities at a primary data level (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23) and activities of the regulated entities at a secondary data level (col. 13, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30); generating an authorization to exercise powers for at least one of the activities of each of the regulated entities by accessing the joint-usage database (col. 11, lines 15-25); obtaining operational data from monitoring operation of the activities (col. 13, lines 60-67); storing the operational data in the joint-usage database (col. 13, lines 60-67); and enforcing each authorization based on the information stored in the joint-usage database (col. 17, lines 10-50).

Referring to Claim 60:

Sturgeon discloses a system for regulation of regulated entities, comprising: a memory unit storing information on the regulated entities (col. 12, lines 15-25), including a joint-usage database storing regulated entity identifiers at a primary data level (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23), activities of the regulated entities at a secondary data level (col. 13, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30) and operational data of the activities at a lower level below the secondary level (col. 13, lines 60-68); a processor, coupled to said memory unit, generating an authorization to exercise powers for at least one of the activities of each of the regulated entities by accessing the joint-usage database in said memory unit (col. 11, lines 15-25); an input unit, coupled to said processor and said memory unit inputting the operational data obtained from monitoring operation of the activities (col. 13, lines 60-67); and an output unit, coupled to said processor, outputting the authorization (col. 17, lines 10-50).

Referring to Claim 61:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col. 13, lines 35-50); adding permit data to the database, the permit data relating to permits allowing the regulated entities to operate in the program areas (col. 13, lines 35-50; col. 16, lines 15-30); adding operational performance data to the database, the operational performance data relating to operational performance of the regulated entities in the program areas

Art Unit: 2135

(col. 13, lines 55-68); and accessing the database, having the added permit data and the added operational performance data, to enforce a respective permit (col. 17, lines 10-50).

Referring to Claim 62:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col. 13, lines 35-50); adding permit data to the database, the permit data relating to a permit allowing a respective regulated entity to operate in a respective program area (col. 13, lines 35-50; col. 16, lines 15-30); adding operational performance data to the database, the operational performance data relating to operational performance of said respective regulated entity in said respective program area (col. 13, lines 55-68); and accessing the database, having the added permit data and the added operational performance data, to enforce the permit (col. 17, lines 10-50).

Referring to Claim 63:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col. 13, lines 35-50); the database having unique identifiers for the regulated entities, respectively (col. 33, lines 15-25; col. 12, lines 50-60); adding permit data to the database, the permit data relating to permits allowing the regulated entities to operate in the program areas (col. 13, lines 35-50; col. 16, lines 15-30); adding operational performance data to the

database, the operational performance data relating to operational performance of the regulated entities in the program areas (col. 13, lines 55-68); and accessing the database, having the added permit data and the added operational performance data, via the unique identifier for a respective regulated identity, to enforce a permit allowing the respective regulated identity to operate in a respective program area (col. 10, lines 1-10; col. 16, lines 15-30; col. 17, lines 10-50).

Referring to Claim 64:

Sturgeon discloses the limitations as discussed in Claim 63 above. Sturgeon further discloses adding compliance data to the database, the compliance data relating to compliance of the regulated entities (col. 15, lines 40-60), wherein said accessing accesses the database, having the added permit data, the added operational performance data, and the added compliance data, to enforce said permit allowing the respective regulated identity to operating the respective program area (col. 17, lines 10-50).

Referring to Claim 65:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col. 13, lines 35-50), the database having unique identifiers for the regulated entities, respectively (col. 33, lines 15-25; col. 12, lines 50-60); adding permit data to the database, the permit data relating to a permit allowing a respective regulated entity to operate in a respective

program area (col. 13, lines 35-50; col. 16, lines 15-30); adding operational performance data to the database, the operational performance data relating to operational performance of said respective regulated entity in said respective program area (col. 13, lines 55-68); and accessing the database, having the added permit data and the added operational performance data, via the unique identifier for said respective regulated identity, to enforce the permit (col. 10, lines 1-10; col. 16, lines 15-30; col. 17, lines 10-50).

Referring to Claim 66:

Sturgeon discloses the limitations as discussed in Claim 63 above. Sturgeon further discloses adding compliance data to the database (col. 15, lines 40-60, the compliance data relating to compliance of said respective regulated entity, wherein said accessing accesses the database, having the added permit data, the added operational performance data, and the added compliance data, to enforce the permit area (col. 17, lines 10-50).

Referring to Claim 67:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col. 13, lines 35-50), a primary data level identifying the regulated entities level (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23) and a data level below the primary data level identifying subject items of the regulated entities (col. 13, lines 25-50; col. 33, lines

5-15; col. 16, lines 20-30); adding permit data to the database by referencing at least one of the subject items, the permit data relating to permit (col. 13, lines 35-50; col. 16, lines 15-30); allowing the regulated entities to operate in the program areas (col. 13, lines 45-60); adding self-monitoring and inspection data to the database with reference to the subject items (col. 9, lines 25-30; col. 13, lines 45-60), the self-monitoring and inspection data relating to self-monitoring and inspection of the regulated entities in the program areas (col. 13, line 60-col. 14, line 15); and accessing the database, having the added permit data and the added self-monitoring and inspection data, to enforce a respective permit (col. 17, lines 10-50).

Referring to Claim 68:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col. 13, lines 35-50), a primary data level identifying the regulated entities (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23) and a data level below the primary data level identifying subject items of the regulated entities (col. 13, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30); adding, to the database, permit data relating to a permit allowing a respective regulated entity to operate in a respective program area, the permit data added to the database by referencing a subject item of said respective regulated entity (col. 13, lines 35-50; col. 16, lines 15-30); adding, to the database, self-monitoring and inspection data of said respective regulated entity (col. 9, lines 25-30; col. 13, lines 45-60), the self-monitoring and inspection data being added to the database by referencing

said subject item of said respective regulated entity; and accessing the database, having the added permit data and the added self-monitoring and inspection data, to enforce the permit(col. 17, lines 10-50).

Referring to Claim 69:

Sturgeon discloses a database structure, embodied on at least one computer accessible medium, to store data from a plurality of program areas in which entities are regulated (col. 13, lines 35-50), the database structure comprising: a primary level identifying the regulated entities (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23); and a data level below the primary data level identifying subject items of the regulated entities, the subject items including objects and activities subject to regulatory requirements (col. 13, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30).

Referring to Claim 70:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col. 13, lines 35-50), a primary data level identifying the regulated entities (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23) and a data level below the primary data level identifying subject items of the regulated entities (col. 13, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30); and performing, by a respective regulated entity, regulatory functions using the primary data level and the data level below the primary data level via accessing the database (col. 9, lines 20-25; col. 11, lines 10-25).

Referring to Claim 71:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col. 13, lines 35-50), a primary data level identifying the regulated entities (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23) and a data level below the primary data level identifying subject items of the regulated entities; and generating, by a respective regulated entity (col. 13, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30), a regulatory inspection checklist using the primary data level and the data level below the primary data level via accessing the database (col. 15, lines 40-60).

Referring to Claim 72:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col. 13, lines 35-50), a primary data level identifying the regulated entities (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23) and a data level below the primary data level identifying subject items of the regulated entities (col. 13, lines 25-50; col. 33, lines 5-15; col. 16, lines 20-30); and generating, by a respective regulated entity, an enforcement action using the primary data level and the data level below the primary data level via accessing the database (col. 17, lines 10-50).

Referring to Claim 73:

Sturgeon discloses a system for managing regulatory programming information as applied to a plurality of regulated entities, comprising: a user interface inputting operational data for selected subject items of a selected regulated entity for storage as regulatory information where at least one subject item of at least one regulated entity relates to a plurality of regulatory program areas (Fig. 17-20; col. 9, lines 30-50); and a centralized database storing the operational data as the regulatory information on a plurality of subject items for a plurality of regulated entities where the regulatory information stored in the centralized database is accessible to a plurality of departments within a regulatory agency that are responsible for different regulatory program areas (col. 9, lines 30-40).

Referring to Claim 74:

Sturgeon discloses the limitations of Claim 73 above. Sturgeon further discloses the centralized database further comprises a requirements library that defines standard requirements for each subject item (col. 13, lines 20-35).

Referring to Claim 75:

Sturgeon discloses the limitations of Claim 73 above. Sturgeon further discloses wherein the regulatory information stored in the centralized database includes permit requirements for a subject item of a regulated entity (col. 16, lines 15-30).

Referring to Claim 76:

Sturgeon discloses the limitations of Claim 75 above. Sturgeon further discloses wherein the permit requirements stored in the centralized database cover a plurality of regulatory program areas for a subject item of a regulated entity and the centralized database generates multi-program permits output via the user interface (col. 9, lines 25-30).

Referring to Claim 77:

Sturgeon discloses the limitations of Claim 73 above. Sturgeon further discloses wherein the regulatory information stored in the centralized database includes inspection checklist information for a subject item of a regulated entity (col. 17, lines 5-25).

Referring to Claim 78:

Sturgeon discloses the limitations of Claim 77 above. Sturgeon further discloses the inspection checklist information stored in the centralized database covers a plurality of regulatory program areas for a subject item of a regulated entity and the centralized database generates multi-program inspection checklists output via the user interface (col. 9, lines 25-30; col. 17, lines 10-50).

Referring to Claim 79:

Sturgeon discloses the limitations of Claim 73 above. Sturgeon further discloses the regulatory information stored in the centralized database includes reports provided

from regulated entities to departments of the regulatory agency, and wherein the reports are entered into the database via the user interface (col. 25, lines 10-20).

Referring to Claim 80:

Sturgeon discloses the limitations of Claim 73 above. Sturgeon further discloses the regulatory information stored in the centralized database includes reports provided from departments of the regulatory agency to regulated entities (col. 32, lines 45-65).

Referring to Claim 81:

Sturgeon discloses the limitations of Claim 73 above. Sturgeon further discloses the regulatory information stored in the centralized database includes violations listings for regulated entities (col. 10, lines 1-15).

Referring to Claim 82:

Sturgeon discloses an integrated system for management of regulatory programming information as applied to a plurality of regulated entities, comprising: a centralized database storing regulatory information on a plurality of subject items for a plurality of regulated entities where at least one subject item of at least one regulated entity relates to a plurality of different regulatory program areas (col. 9, lines 30-40); a user interface inputting operational data for selected subject items of a selected regulated entity for storage in the centralized database as regulatory information; and a processor generating multi-program regulatory permits based upon the operational data

Art Unit: 2135

entered into the database for a respective regulated entity (Fig. 17-20; col. 9, lines 30-50).

Referring to Claim 83:

Sturgeon discloses the limitations of Claim 82 above. Sturgeon further discloses the processor additionally generates multiprogram inspection checklists based upon the operational data entered into the database for a respective regulated entity (col. 17, lines 5-30).

Referring to Claim 84:

Sturgeon discloses the limitations of Claim 82 above. Sturgeon further discloses the processor additionally generates multiprogram enforcement orders based upon the operational data entered into the database for a respective regulated entity (col. 17, lines 40-55).

Referring to Claim 85:

Sturgeon discloses a method for regulating a regulated entity, comprising: identifying a plurality of subject items associated with the regulated entity where at least one subject item relates to a plurality of regulatory programs (col. 9, lines 35-40); storing regulatory information associated with each of the identified subject items in a centralized database (col. 12, lines 15-20); and monitoring the regulatory information

Art Unit: 2135

associated with a selected subject item in the database to track compliance of the regulated entity (col. 13, lines 25-40; col. 16, lines 25-30).

Referring to Claim 86:

Sturgeon discloses the limitations of Claim 85 above. Sturgeon further discloses the step of generating permits relating to each regulatory program associated with the selected subject item (col. 16, lines 15-30).

Referring to Claim 87:

Sturgeon discloses a method of managing information on a plurality of regulated entities, comprising: creating a joint-usage database identifying subject items of a plurality of regulated entities (col. 13, lines 35-30); adding permit data to the joint-usage database by referencing at least one of the subject items for one of the regulated entities for generating a permit for at least one of the subject items (col. 13, lines 35-50; col. 16, lines 15-30); and adding operational performance data to the joint-usage database with reference to the at least one of the subject items for the one of the regulated entities, the operational performance data obtained from monitoring reports of operation of the at least one of the subject items (col. 9, lines 25-30; col. 13, lines 45-60; col. 17, lines 10-50).

Art Unit: 2135

Referring to Claim 88:

Sturgeon discloses a system for regulation of regulated entities, comprising: a memory unit to store information on the regulated entities, including a joint-usage database storing regulated entity identifiers and subject items and operational data of the regulated entities (col. 9, lines 25-40; col. 12, lines 1-20, 35-60; Fig. 1; col. 33, lines 15-23); a processor coupled to the memory unit to generate a permit for at least one of the subject items of at least one of the regulated entities by accessing the joint-usage database in the memory unit (col. 13, lines 35-50; col. 16, lines 15-30); an input unit coupled to the processor and the memory unit, to input the operational data obtained from monitoring operation of the subject items; and an output unit, coupled to the processor, to output the permit (col. 9, lines 25-30; col. 16, lines 25-30; col. 17, lines 10-50).

Referring to Claim 89:

Sturgeon discloses a system for managing regulatory programming information as applied to a plurality of regulated entities, comprising: a user interface inputting operational data of subject items of a selected regulated entity for storage as regulatory information with at least one subject item of at least one regulated entity relating to a plurality of regulatory program areas (Fig. 17-20; col. 9, lines 30-50); a centralized database system storing the operational data as the regulatory information on a plurality of subject items for a plurality of regulated entities; and an access system allowing access to the regulatory information stored in the centralized database by departments

Art Unit: 2135

within a regulatory agency responsible for different regulatory program areas (col. 9, lines 30-40; col. 12, lines 15-20).

Referring to Claim 90:

Sturgeon discloses a database management system for use by a regulatory agency regulating multiple subject items, comprising: a primary database identifying multiple regulated entities regulated by the regulatory agency (Fig. 1); and a secondary data level identifying subject items regulated by the regulatory agency, where the subject items are applicably linked to the multiple regulated entities for use by the multiple regulated entities (Figs. 1A-1H, and col. 32, lines 45-50).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sturgeon et al. (U.S. Patent 5,726,884).

Referring to Claim 33:

Sturgeon discloses a method of managing information of a regulating entity, comprising: storing multiple media, multiple regulated entity regulating data related to work activity schedules, assignments and progress for regulating work to date in a joint-usage database (col. 13, lines 25-50; col. 14, lines 15-45); updating the data stored in the joint-usage database (col. 15, lines 25-45); and displaying the data stored in the joint-usage database to all regulating entity personnel [having security clearance], regardless of the assignments for which the personnel are responsible (col. 29, line 50-col. 30, line 15):

Sturgeon does not explicitly disclose the claimed security clearance. However, Sturgeon does disclose a User log-on id. The disclosed log-on id suggests a secured database. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Sturgeon to include security clearance for database users. One of ordinary skill in the art would have been motivated to do this because it would allow only authorized users to perform database related functions, i.e. printing (col. 30, lines 5-10).

Referring to Claim 34:

Sturgeon discloses the limitation as disclosed in Claim 33 above. Sturgeon further discloses wherein said method is performed by a computer program stored as a single executable program (col. 29, lines 50-65).

Referring to Claim 35:

Sturgeon discloses the limitation as disclosed in Claim 33 above. Sturgeon further discloses, wherein said storing stores in the joint-usage database at least one master record representing one subject item regulated in a multiple media areas with detailed descriptions for each of the program areas, and wherein said displaying displays the detailed descriptions for the one subject item on a single screen (col. 12, lines 1-20; col. 13, lines 35-45; col. 29, line 50-col. 30, line 15).

Referring to Claim 36:

Sturgeon discloses the limitation as disclosed in Claim 33 above. Sturgeon further discloses wherein the data stored, updated and displayed includes data describing pollutant releases of a regulated entity (col. 13, lines 65-67).

Referring to Claim 37:

Sturgeon discloses the limitation as disclosed in Claim 33 above. Sturgeon further discloses, wherein the data stored, updated and displayed includes data describing violations of applicable requirements (col. 16, lines 20-30).

Referring to Claim 38:

Sturgeon discloses the limitation as disclosed in Claim 33 above. Sturgeon further discloses wherein the data stored, updated and displayed includes data describing enforcement

orders (col. 17, lines 35-50), and wherein said method further comprises preparing multiple media enforcement orders for violations of requirements from different program areas and program-specific enforcement orders (col. 17, lines 10-50).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

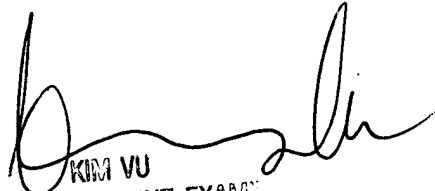
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:00am - 4:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2135

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TAG
1/27/05



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2